

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

IN RE:)
)
CUMMINGS MANOOKIAN, PLLC,)
 Debtor.)
)
BRIAN MANOOKIAN, MANOOKIAN,) Case No. 3:23-cv-00392
PLLC, AFSOON HAGH, AND HAGH) Judge Trauger
LAW PLLC,)
 Appellants,)
)
v.)
)
JEANNE ANN BURTON, TRUSTEE,) *On Appeal from the United States*
Appellee.) *Bankruptcy Court for the Middle District of*
) *Tennessee*
) Case No. 3:20-ap-90002
)

BANKRUPTCY TRUSTEE'S MOTION TO DISMISS APPEAL

COMES NOW Appellee Jeanne Ann Burton, the Chapter 7 Trustee in the underlying bankruptcy matter (the “Trustee”), and moves this Court to dismiss the appeal filed by Brian Manookian, Manookian PLLC, Afsoon Hagh, and Hagh Law PLLC (the “Appellants”), pursuant to Rule 8013 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and Local Rule 81.01. In support of this motion, the Trustee states as follows:

1. On April 5, 2023, the Bankruptcy Court entered an Order Denying Motion to Disqualify Bankruptcy Judge Charles Walker (the “Order”). *See* Bankruptcy Docket No. 229.
2. On April 18, 2023, the Appellants filed Brian Manookian, Manookian PLLC, Afsoon Hagh, and Hagh Law PLLC’s Notice of Appeal and Statement of Election (the “Notice of Appeal”). *See* Bankruptcy Docket No. 231.
3. Pursuant to Bankruptcy Rule 8009, and as noted on the Bankruptcy Docket at entry 231, the Appellants’ designation of the items to be included in the record on appeal (the “Designation”) and the statement of the issues to be presented (the “Statement of Issues”) was

due on May 2, 2023. Bankruptcy Rule 8009 specifically requires appellants to file the Designation and Statement of Issues within fourteen (14) days of the filing of the notice of appeal. In this case, the Notice of Appeal was filed on April 18, 2023.

4. Local Rule 81.01 provides as follows: Failure by an appellant to comply with the provisions of any of Rules 8009, 8010, or 8018 of the Federal Rules of Bankruptcy Procedure will result in summary affirmance of the decision of the Bankruptcy Judge. (These are the bankruptcy rule numbers in effect as of the adoption of these Local Rules. If the Bankruptcy Rules are renumbered, the references shall be to the new numbers.)

5. Local Rule 81.01 therefore provides that any failure to comply with Bankruptcy Rule 8009, which would include timely filing of the Designation and Statement of Issues, *will* result in summary affirmance of the decision of the Bankruptcy Judge.

6. Pursuant to Bankruptcy Rule 8009 and Local Rule 81.01, this Court must affirm the decision of the Bankruptcy Court and dismiss this appeal.

WHEREFORE, the Trustee respectfully requests that the Court affirm the decision of the Bankruptcy Court, dismiss this appeal, with any costs taxed to the Appellant, and grant all other related and necessary relief.

Dated this 5th day of May, 2023.

By: /s/ Phillip G. Young, Jr.
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served via the Court's ECF system to counsel for the Appellants and all other attorneys of record.

This 5th day of May, 2023.

/s/ Phillip G. Young, Jr.
Phillip G. Young, Jr.